

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
04-10160-WGY

* * * * *
UNITED STATES OF AMERICA
v.
JUAN ROSARIO
* * * * *

SENTENCING EXCERPT

BEFORE: The Honorable William G. Young,
District Judge

1 Courthouse Way
Boston, Massachusetts

February 23, 2006

1 **THE COURT:** Mr. Juan Rosario, having taken into
2 account all the factors under 18 United States Code,
3 Section 3553, the information from the United States
4 Attorney, your attorney, the probation officer and yourself,
5 this Court sentences you to 39 months in the custody of the
6 United States Attorney General. The Court imposes upon you
7 no fine due to your inability to pay a fine. The Court
8 places you on supervised release for a period of three
9 years, and imposes a \$100 mandatory special assessment.

10 The special conditions of your supervised release
11 are that you refrain from the use of any controlled
12 substances. You shall submit to drug testing after your
13 release not to exceed 104 tests per year as directed by the
14 probation office; submit to the collection of a DNA sample.
15 If deported, you're to leave the United States, not to
16 return without the prior permission of the Secretary of
17 Department of Homeland Security. You shall use your true
18 name, prohibited from the use of any false identifying
19 information.

20 Let me explain the sentence to you, Mr. Rosario.
21 Once you were apprehended you did everything right. Because
22 of that the government has been very fair. The government
23 has done, or the Office of the United States Attorney has
24 done, Ms. Lie, Agent Brackett have done what anyone would
25 expect them to do on your behalf. You have earned their

1 respect for what you have done once you were arrested.

2 I do not take into account in any respect, either
3 with respect to lengthening or shortening the sentence, the
4 fact that you will be deported. That plays no role in this
5 Court's analysis guided, as I must be, by the decision of
6 the First Circuit which puts these matters entirely within
7 the purview of the executive and the legislative branches of
8 government, however harsh that result may be.

9 I give you a 39 month sentence rather than a 42
10 month sentence because the recommendation of the government
11 is perfectly appropriate in these circumstances. I go under
12 it by only the three months in recognition of the fact, and
13 it's clear on this record, that two other people were
14 supplying you with drugs, though as the investigation
15 developed you moved more drugs than we took into account to
16 sentence them. But the practical effect is, I think that
17 your sentence should be slightly less than theirs.

18 This is a severe crime. It's over. You're going
19 to live with the consequences of this crime for the rest of
20 your life. This is a fair and a just sentence.

21 You will get credit toward the service of this
22 sentence from March 30, 2004. You have the right to appeal
23 from any findings or rulings the Court has made against you.
24 Should you appeal and should this sentence be reversed in
25 whole or in part, you'll be sentenced before another judge.

1 That's the sentence of the Court. He's remanded to
2 the custody of the marshals.

3 **MS. KELLEY:** Thank you, your Honor.

4 **MS. LIE:** Thank you, your Honor.

5 (Whereupon the matter concluded.)
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